

**Part 6**

**Cluster Development Regulations**

Section 601. Statement of Intent. The purpose of this Part is to provide development and design standards for cluster developments containing single-family detached dwelling units. It is the intent of these standards to:

(a) Provide an optional approach to community development with provisions to permit more efficient utilization of land and of community facilities and services.

(b) Encourage innovative single-family residential land development that will conserve open space and environmental amenities.

(c) Protect environmentally sensitive areas from development pressures.

(Ordinance 130, December 9, 1991, Section 601)

Section 602. Development and Design Standards.

(a) Eligibility.

(1) Cluster developments containing single-family dwelling units are permitted by conditional use in the Medium Density Residential (MDR) Zoning District and by right in the Low Density Residential (LDR) Zoning District.

(2) The development shall contain a minimum contiguous land area of ten (10) acres.

(3) When public sewer and water systems are provided, a minimum of fifty percent (50%) of the gross area of the development shall be set aside as common open space. If on-lot septic disposal (including community on lot disposal systems) and/or on-lot water wells are provided, a minimum of forty percent (40%) of the gross tract area shall be set aside as common open space. No more than fifty percent (50%) of the common open space shall be located on lands within the Environmental Protection Overlay District (Part 5).

(b) Density Specifications.

(1) The Cluster Development shall not exceed the following maximum permitted densities:

<u>Zoning District</u>	<u>Maximum Density</u>
LDR	0.5 dwelling units/acre with on-lot septic disposal (including community on lot disposal systems) and/or well
	1.0 dwelling units/acre with public sewer and water
MDR	3.63 dwelling units/acre

(2) The area that is not utilized for development shall be set aside as common open space.

(3) The area to be utilized and calculated for development purposes shall not include lands within the Environmental Protection Overlay District (Part 5).

(c) Area, Yard and Height Regulations. Each of the following maximum and minimum dimensional requirements shall apply to single-family detached units within a cluster development, except as specifically provided for in this Chapter:

	<u>Public Sewer and Water</u>	<u>On Lot Sewer and/or Water</u>
<b>Minimum Regulations</b>		
Lot Area	20,000 square feet	43,560 square feet
Lot Width	100 feet	150 feet
Building Setback	30 feet	40 feet
Rear Yard	20 feet	30 feet
Side Yard		
Total	20 feet	40 feet
One Side	10 feet	20 feet
Common Open Space (Development)	50 percent	40 percent
Buffer Yard Depth (Development)	10 feet	10 feet

**Maximum Regulations**

Building Height	35 feet	35 feet
Lot Coverage	25 percent	25 percent
Woodland Extraction (Development)	30 percent	30 percent

(d) Supplementary Regulations. All sections under Part 9 of this Chapter shall apply as supplementary guidelines and specifications for cluster developments.

(Ordinance 130, December 9, 1991, Section 602; as amended by Ordinance 164, April 26, 1999, Section 8; as further amended by Ordinance 192, September 16, 2002, Section 9)

Section 603. Open Space Standards.

(a) Requirements and Specifications.

(1) If public sewer and water service is provided, a minimum of fifty percent (50%) of the gross area of the development shall be set aside as common open space. If on lot well and/or on-lot septic (including community on lot disposal systems) is provided, forty percent (40%) of the gross tract area shall be set aside as common open space. No more than fifty percent (50%) of the common open space shall be located on lands within the Environmental Protection Overlay District (Part 5).

(2) The common open space shall not include areas that have been devoted to roads, utilities easements and/or stormwater management facilities.

(3) Significant natural features shall be incorporated into the overall schematic of the design as common open space areas whenever

possible. At least ten percent (10%) of the common open space shall be available to active recreational use, to the satisfaction of the Board of Supervisors, based upon guidelines issued by the Board of Supervisors.

(4) The accessible area devoted to common open space shall be comprised of areas not less than fifty feet (50') in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area within the development containing no less than fifty percent (50%) of the required open space.

(5) For all common open spaces, satisfactory written agreements approved by the Board of Supervisors shall be consummated for the perpetual preservation of the common open spaces.

(b) Management and Maintenance.

(1) The developer of the cluster development shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained.

(2) The developer of the cluster development shall have the following options for ownership, management and maintenance of the common open space:

(i) Retain ownership and responsibility for the management and maintenance; or

(ii) Dedicate the land to a homeowners association which is comprised of all the residents of the cluster development; or

(iii) Dedicate the land to the Township. The Township shall have the option to accept or refuse the land offered for dedication.

(3) If the common open space is dedicated to a homeowners association, the developer shall file with the Township a declaration of covenants and restrictions that will govern the association.

(Ordinance 130, December 9, 1991, Section 603; as amended by Ordinance 192, September 16, 2002, Section 10)

Section 604. Administration and Review. Cluster developments shall be planned, designed and constructed in accordance with all pertinent procedures, provisions, standards and specifications that are identified in this Chapter and in the Amity Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances). (Ordinance 130, December 9, 1991, Section 604)

**Part 7**

**Planned Residential Development Regulations**

Section 701. Statement of Intent. The Township, being confronted with increasing urbanization, and acknowledging that the technology of land development and the demand for housing are enduring substantial and frequent modifications, and recognizing the applicability of the objectives specified under Articles VI and VII of Act 247, as amended (the Pennsylvania Municipalities Planning Code), adopts this Part for the following purposes:

(a) To provide an optional approach to community development with provisions to permit more efficient utilization of land and of public services;

(b) To encourage innovations in development (residential and non-residential), so that the growing demand for housing and other development is adequately achieved by greater variety in type, design and layout of structures;

(c) To conserve and efficiently utilize open space and environmental amenities;

(d) To encourage flexible land development which will provide additional options towards the preservation of environmentally sensitive areas;

(e) To encourage more efficient use of public facilities that are required in association with new development;

(f) To permit a mixture of land uses (including non-residential development) which will provide even more flexibility for land development.

(Ordinance 130, December 9, 1991, Section 701)

Section 702. Development Standards.

(a) Eligibility. No application for Tentative Approval of a Planned Residential Development shall be considered for approval unless the following conditions are in compliance:

(1) Planned residential development is permitted as a conditional use within the MDR (Medium Density Residential) Zoning District.

(2) The planned residential development shall consist of a minimum contiguous land area of fifty (50) acres in the MDR (Medium Density Residential) Zoning District.

(3) The land area under consideration should not include any portion of land located within existing rights-of-way and land that has been previously developed. The area shall not be considered contiguous if it is divided by an existing street exceeding sixty feet (60') in width of ultimate right-of-way.

(4) The PRD shall be served by a public or community water supply system and sewage disposal system, approved by the appropriate local and state agencies, and shall be constructed and

certified operational by the appropriate authorities before the occupancy permits are issued.

(5) A minimum of fifty percent (50%) of the gross area of the PRD shall be set aside as common open space. The location, character, management and utilization of the common open space must comply with the specifications under Section 704 (Open Space Standards).

(b) Permitted Uses.

(1) Residential dwelling units as single-family detached, single-family semi-detached, single-family attached (townhouses) and apartments.

(2) Non-residential uses of recreational, commercial, office and institutional character to the extent they are designed and intended primarily to serve the residents of the PRD. The commercial uses shall not exceed five percent (5%) of the gross area of the PRD and shall be located in an inconspicuous location.

(c) Density Specifications.

(1) The PRD shall not exceed the overall gross residential density of four (4) dwelling units per acre in the MDR (Medium Density Residential) Zoning District.

(2) The PRD shall not exceed the net residential density for the following residential uses:

<u>Dwelling Type</u>	<u>Maximum Design Density</u>
Single-family detached	3 dwelling units/acre
Single-family semi-detached	4 dwelling units/acre
Townhouses	10 dwelling units/acre
Apartments	12 dwelling units/acre

(3) The PRD shall comply with the following proportions for each residential use:

<u>Dwelling Type</u>	<u>Percentage of Total Units</u>
Single-family detached	Minimum of 25%
Single-family semi-detached	Maximum of 30%
Townhouses	Maximum of 60%
Apartments	Maximum of 40%

(4) The area to be utilized and calculated for development purposes shall not include lands within the Environmental Protection Overlay District.

(Ordinance 130, December 9, 1991, Section 702; as amended by Ordinance 164, April 26, 1999, Section 9; as further amended by Ordinance 192, September 16, 2002, Section 11; as further amended by Ordinance 236, May 16, 2007, Sections 2, 3 & 4)

Section 703. Design Standards.

(a) Comprehensive Planning Considerations.

(1) The PRD shall be designed with regard to the topographic and natural features of the site. The effects of prevailing winds, seasonable temperatures and hours of sunlight on the physical layout and design of the PRD shall be considered by the developer.

(2) The intent of PRD is to encourage a higher quality of development and to take into consideration the overall appearance of all structures.

(3) All natural features (lakes, streams, topsoil, knolls, basins, trees and shrubs) should be preserved and incorporated into the final landscaping of the PRD whenever possible and desirable. The finished topography of the site shall adequately facilitate the PRD without excessive earthmoving and neglect for the natural amenities.

(4) The PRD shall provide a planting screen along the property lines at the periphery of the development to protect the privacy of the adjacent residents. The planting screen shall be consistent with the standards specified under Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(b) Residential Site Design and Location.

(1) All structures shall be designed with regard to topography and natural features of the site.

(2) The PRD should encourage architectural variations and interest in the layout and character of housing structures and setbacks.

(3) All buildings and structures shall be designed and located to enhance privacy and insure natural light for all principal rooms.

(4) The proposed residential dwelling units located within the PRD should not be located along existing roads within the Township and/or along any proposed interior collector street. This provision may be waived by the Township if the applicant demonstrates that the design options are limited based on physical development constraints.

(c) Area, Yard and Height Regulations.

(1) Each of the following maximum and minimum dimensional requirements shall apply to the specified land use as indicated below, except as specifically provided in this Part or Chapter.

Minimum Regulations	Single-family Detached	Single-family Semi-Detached	Townhouses	Apartments
Lot Area (net)	10,000 sq. ft.	8,000 sq. ft.*	-----	-----
Lot Width	70 feet	60 feet*	20 feet	200 feet
Building Setback	40 feet	40 feet	30 feet	70 feet
Rear Yard	30 feet	30 feet	30 feet	70 feet
Side Yard	10 feet	10 feet	30 feet	50 feet

Maximum  
Regulations

Building				
Height	35 feet	35 feet	35 feet	35 feet
Lot Coverage	20 percent	20 percent	-----	-----

\* Per Dwelling Unit

(2) In addition to the area, yard and height regulations specified above, the following provisions will apply:

(i) No structure shall be constructed within fifty feet (50') of the one hundred (100) year flood boundary on soils that have been classified as hydric, alluvial and/or having a high water table, and slopes that exceed twenty-five percent (25%).

(ii) No group of townhouses shall consist of more than seven (7) continuous attached buildings in a single building group and no more than twelve (12) dwelling units in an apartment building group.

(iii) All multi-family structures (townhouses and/or apartments) shall be located at a minimum of one hundred feet (100') from the property lines of the PRD and one hundred fifty feet (150') from the ultimate right-of-way of any arterial or collector streets.

(iv) The horizontal distance between groups of multi-family structures shall be a minimum of sixty feet (60') between the closest structural points.

(v) Apartment units shall not exceed one hundred fifty feet (150') in length.

(3) Residential development is subject to all relevant design standards and improvement specifications defined in this Chapter and/or the Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances).

(d) Non-Residential Site Design and Location.

(1) Non-residential development in the PRD shall be limited to neighborhood retail and service facilities, churches, community activity centers, banks, saving and loan associations, recreational facilities and health clubs. Non-residential uses of commercial, office or institutional nature shall be designed and intended primarily for the residents of the PRD.

(2) The non-residential uses shall not exceed five percent (5%) of the gross area of the PRD.

(3) The location of non-residential uses shall be situated on a collector street and shall minimize traffic congestion.

(4) The design and architectural characteristics shall be harmonious with the integrity and values of the adjoining residential areas. All non-residential uses shall be adequately screened.

(5) The inclusion, proportion and location of non-residential uses shall require approval of the Planning Commission and Board of Supervisors.

(6) Non-residential development is subject to comply with all relevant design standards and improvement specifications defined in this Chapter and/or the Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances).

(e) Street Design Standards.

(1) The street system shall be designed to relate with the proposed land uses and existing adjacent streets, and to minimize through traffic in the residential areas.

(2) The PRD shall provide a system of collector and minor streets that will provide a safe and efficient measure of ingress/egress.

(3) Points of ingress and egress should be designed and located to prevent traffic hazards and/or congestion.

(4) The street system shall be designed to create a separation for automobile and pedestrian traffic. The location of all residential, commercial, recreational and open space should be analyzed to provide a safe circulation pattern.

(5) All means of ingress and/or egress from a PRD to any public street or state highway shall be located at an intersection or at least five hundred feet (500') from any intersecting street(s) and shall be designed to conduct traffic circulation in a safe and efficient manner, except where existing conditions make this requirement impractical and where the applicant can demonstrate that a deviation from this standard is safe. The developer shall be responsible for the purchase and erection of any necessary traffic control devices and the construction of additional acceleration or deceleration lanes as may be required by the Pennsylvania Department of Transportation or by the Township.

(6) In addition to the above specifications, the PRD should comply with all technical requirements for streets, conforming to the policies of the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances) and this Chapter. This includes all specifications and requirements for street widths, grades, horizontal curves, vertical curves, intersections, sight distances, access restrictions, cul-de-sac's, names of streets and construction materials.

(7) The Board of Supervisors, or the Planning Commission, if designated, may request the developer (depending on size, location and magnitude of the PRD) to perform a traffic study to analyze the traffic circulation patterns and volumes at pre- and post-development conditions.

(8) All streets located within the PRD shall be offered for dedication to the Township by the developer.

(f) Parking Design and Loading Area Requirements.

(1) There shall be two (2) off-street parking spaces measuring ten feet (10') by twenty feet (20') for each dwelling unit with aisles a minimum of twenty feet (20') wide.

(2) There shall be one (1) off-street parking space measuring ten feet (10') by twenty feet (20') for each one hundred (100) square feet, or portion thereof, of commercial floor area devoted to patron use with the requirements specified generally for parking areas herein.

(3) Parking areas shall be arranged to prevent through traffic to other parking areas.

(4) Parking areas shall be screened from adjacent structures, access road and/or traffic arteries. The developer shall utilize landscaping (Section 914), earth berms (not exceeding six feet (6') in height) and/or decorative walls (not exceeding six feet (6') in height).

(5) No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by approved landscaping.

(6) No more than fifty (50) parking spaces shall be accommodated in any single parking area.

(7) All off-street parking shall be adequately lighted. All such lighting shall be so arranged as to direct the light away from adjoining residences or use approved non-glare fixtures.

(8) All off-street parking areas and off-street loading areas shall be graded and drained so as to dispose of all surface water without erosion, flooding and other inconveniences.

(9) Every building or structure used for commercial purposes shall provide one (1) off-street truck loading space for the first ten thousand (10,000) square feet or less of gross floor area, plus a minimum of one (1) additional off-street truck loading area for each additional forty thousand (40,000) square feet of gross floor area.

(10) An off-street truck loading space shall have a minimum of twelve feet (12') in width, a minimum of fifty feet (50') in length and a minimum clear height of fourteen feet (14').

(11) All parking areas shall be a minimum of twenty feet (20') from all structures, access roads and traffic arteries.

(12) In addition to the above specifications, the PRD shall comply with all other specifications under Sections 923 (Off-Street Loading Areas) and 924 (Off-Street Parking) of this Chapter. All off-street parking and loading areas shall not be construed as part of the common open space.

(g) Street Lighting and Sign Standards.

(1) All streets, parking areas, buildings and areas of high pedestrian use shall be adequately lighted. This schematic lighting

plan should not irritate, distract and/or inconvenience the PRD residents or adjacent property owners.

(2) Outdoor signs shall be designed to be harmonious with the characteristics of the PRD. The character, size and shape of all outdoor signs shall be reviewed by the Board of Supervisors, or the Planning Commission, if designated, at the time of request for Final Approval, which reserves the rights to reject any or all outdoor signs.

(3) All street lighting, signs and furniture shall be designed and located so they do not interfere with the character and integrity of the PRD.

(4) In addition to the above specifications, the PRD should comply with all other specifications for street lighting, signs and furniture in this Chapter and in the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances).

(h) Sanitary Sewage Disposal.

(1) The PRD will be served by public or community sewage disposal system.

(2) The sanitary sewage system shall be designed and constructed in accordance with all Pennsylvania Department of Environmental Protection guidelines and standards that govern sewage disposal.

(3) All residential and non-residential buildings shall be serviced by the public or community sewage disposal system.

(4) All preliminary planning and engineering of the proposed sewage system shall be submitted with the tentative development plan.

(5) The Pennsylvania Department of Environmental Protection shall approve the planning and engineering for all sewage disposal facilities and techniques. This approval shall be submitted with the final plan.

(6) The sewage disposal system shall be certified operational by the Pennsylvania Department of Environmental Protection and all other authorities before building permits are issued.

(7) Suitable agreements shall be established for the operation and maintenance of all sewage disposal components.

(i) Water Supply.

(1) The PRD will be serviced by a public or a community water system. Where accessible, public water will be the primary source of supply and community water will be an alternative to unaccessible public water supplies.

(2) All residential and non-residential buildings shall be serviced by public or community water.

(3) All preliminary planning and engineering for the proposed water supply system shall be submitted with the tentative development plan.

(4) The Pennsylvania Department of Environmental Protection shall approve the planning and engineering for the water supply system. This approval shall be submitted with the final plan.

(5) The water supply system shall provide a satisfactory supply of water to each unit, with adequate main sizes, water supply and pressure that will meet the specifications of the Township.

(6) The developer of the PRD will substantiate that the water supply system will provide adequate fire protection.

(7) The water supply system shall be certified operational by the Pennsylvania Department of Environmental Protection before occupancy permits are issued.

(8) Suitable agreements shall be established for the operation and maintenance of all water supply components.

(j) Solid Waste Management.

(1) Exterior storage areas for refuse stations shall be properly screened. All containers shall be air-tight, vermin-proof and have adequate storage capacity to accommodate the projected volumes of solid waste.

(2) The PRD shall have a plan for the storage and removal of solid waste. This plan shall be in accordance with all applicable Township ordinances.

(k) Storm Water Management.

(1) The PRD shall have a plan for storm water management. This storm water management plan shall be submitted with the tentative plan.

(2) All storm run-off and drainage systems shall be designed and installed in accordance with the storm water management regulations specified by the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances).

(l) Erosion and Sediment Control.

(1) The PRD shall have a plan for erosion and sediment control. All plans shall comply with the rules, regulations and guidelines as set forth by the Pennsylvania Department of Environmental Protection under Title 25, Chapter 102.

(2) The erosion and sediment control plans shall be approved by the Pennsylvania Department of Environmental Protection and/or the County Conservation District.

(m) Landscaping and Tree Conservation.

(1) Landscaping shall be regarded as an essential feature of every PRD in order to enhance the appearance and marketability of

housing, for screening purposes, and for erosion and sediment control.

(2) All parking areas (interior and periphery) shall be adequately landscaped in accordance with Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(3) Conservation of existing trees is encouraged. The developer should attempt to preserve the existing trees and incorporate them into the overall concept of the PRD.

(4) In addition to the above specifications, the PRD shall comply with all specifications under Section 517, entitled "Landscaping Regulations", of Chapter XXVII, entitled "Subdivision and Land Development", of the Township of Amity Code of Ordinances.

(5) A generalized landscaping plan shall be required and submitted with the tentative development plan. A detailed landscaping plan, illustrating the spacing, sizes and specific types of landscaping material, is required with the final development plan.

(n) Natural Amenities and Environmental Considerations.

(1) The PRD shall be designed to be congenial with all natural and physical characteristics of the site. All natural features (waterways, topography and vegetation) should be preserved and incorporated into the final landscaping of the PRD whenever possible and desirable.

(2) No structure shall be constructed within fifty feet (50') of the one hundred (100) year flood boundary; on soils that have been classified as hydric, alluvial and/or having a seasonable high water table; and on slopes exceeding twenty-five percent (25%) in grade (pre-development conditions). These areas have been classified, categorized and identified under Part 5 (Environmental Protection Overlay District Regulations) of this Chapter.

(3) The developer of the PRD shall be obligated to conduct the following analysis:

(i) Topographical Analysis. Identify slope areas over twenty-five percent (25%) in pre-development conditions.

(ii) Soil Analysis. Identify soils that are alluvial, hydric (high water table), unsuitable for development, susceptible to erosion and/or are associated with aquifer recharge.

(iii) Hydrological Analysis. Identify the one hundred (100) year flood boundary, wetlands, bodies of waters (streams, rivers, lakes) and all natural drainage patterns.

(iv) Geological Analysis. Identify sinkholes, karst formations, outcroppings, shallow bedrock areas and/or aquifer recharge zones.

(v) Geotechnical Analysis. Determine through core boring samples the structural stability for development.

(vi) Foliage Analysis. Identify and determine the characteristics, aggregate and type of woodland and meadowland areas at pre- and post-development conditions.

(4) The Board of Supervisors, or the Planning Commission, if designated, shall have the right to waive, add to or modify any of the above specifications and requirements when the applicant can demonstrate that the modifications are not applicable and will not be detrimental to the PRD.

(5) Significant natural features shall be incorporated into the overall schematic of the PRD as common open space areas whenever possible.

(6) In addition to the above specifications and requirements, the PRD shall comply with all specifications under Part 5 (Environmental Protection Overlay District Regulations) of this Chapter.

(o) Curbs and Sidewalks.

(1) The PRD shall be designed to provide curbs and sidewalks throughout the proposed development. The tentative plan shall depict the precise locations for all curbs and sidewalks that are proposed throughout the PRD.

(2) All proposed curbs and sidewalks within the PRD shall be designed in accordance with the standards and specifications of the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances).

(Ordinance 130, December 9, 1991, Section 703; as amended by Ordinance 192, September 16, 2002, Section 12; as further amended by Ordinance 229, December 19, 2006, Sections 9, 10 & 11)

Section 704. Open Space Standards.

(a) Requirements and Specifications.

(1) A minimum of fifty percent (50%) of the gross area of the PRD shall be set aside as common open space. No more than fifty percent (50%) of the common open space shall be located on lands within the Environmental Protection Overlay District (Part 5).

(2) The common open space shall be planned as a contiguous area located for maximum benefit for all residents of the PRD.

(3) Significant natural features (Subsection 703(n)) shall be incorporated into the overall schematic of the PRD as common open space areas whenever possible.

(4) A minimum of twenty-five percent (25%) of the common open space shall be available for the development of active recreation facilities and every effort shall be made to adhere to the Township Comprehensive Recreation Plan. The utilization of the common open space shall correspond to the size and character of the PRD.

(5) The area devoted to common open space shall be comprised of areas not less than fifty feet (50') in width and shall not contain less than one (1) contiguous acre of land. In addition,

there shall be at least one (1) designated common area within the PRD containing no less than fifty percent (50%) of the required open space.

(b) Management and Maintenance.

(1) The developer of the PRD shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained.

(2) The developer of the PRD shall have the following options for ownership, management and maintenance of the common open space:

(i) Retain ownership and responsibility for the management and maintenance; or

(ii) Dedicate the land to a homeowners association which is comprised of all the residents of the PRD; or

(iii) Dedicate the land to the Township. The Township shall have the option to accept or refuse the land offered for dedication.

(3) If the common open space is dedicated to a homeowners' association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the tentative development plan. The provisions shall include, but not be limited to, the following:

(i) The homeowners association must be established before any lots or units are sold.

(ii) Membership shall be mandatory for each home buyer and any successive buyer.

(iii) The open space restrictions must be permanent.

(iv) The association shall be responsible for the liability insurance, taxes and maintenance of the open space and recreational facility.

(v) The association shall employ an adequate staff to manage and maintain the common open space.

(vi) The homeowners shall pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property.

(vii) The association shall adjust the assessment to comply with additional and/or modified demands.

(viii) The Township may supervise the operation, management and maintenance of the common open space.

(4) The common open space that is not dedicated to the Township shall be guaranteed by a restrictive covenant describing the open space, and its operation and maintenance shall be for the enjoyment (passive or active) of the PRD residents and/or adjacent property owners. The developer shall file an agreement stipulating

restrictions for the utilization of the common open space with the final development plan.

(5) The Township may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, but the Township need not require, as a condition of the approval of the PRD, that land proposed to be set aside for common open space be dedicated or made available to public use. The provisions may require that the landowner provide for and establish an organization for the ownership and maintenance of the common open space, and that such organization shall not be dissolved nor shall it dispose of the common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the public.

(6) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the PRD fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents of the PRD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof.

(7) If the deficiencies set forth in the original notice are not corrected within said thirty (30) days, or any extension thereof, the Township, in order to preserve the taxable values of the properties within the PRD and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one (1) year. Said maintenance by the Township shall not constitute a taking of said common open space, nor vest in the public any rights to use the same.

(8) Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the PRD, and shall show cause why such maintenance by the Township shall not, at the option of the Township, continue for the succeeding year. If the Board of Supervisors, or its designated agency, shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Township shall cease to maintain said common open space at the end of said year. If the Board of Supervisors, or its designated agency, shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the Township may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

(9) The decision of the Board of Supervisors or its designated agency shall be subject to appeal to court in the same manner, and within the same time limitations, as is provided for zoning appeals by the Act, as amended.

(10) The cost of such maintenance by the Township shall be assessed ratably against the properties within the PRD that have a

right of enjoyment of the common open space, and shall become a lien on said properties. The Township, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of lien in the Office of the Prothonotary of the County, upon the properties affected by the lien within the PRD.

(Ordinance 130, December 9, 1991, Section 704; as amended by Ordinance 192, September 16, 2002, Section 13)

Section 705. Improvement Specifications.

(a) General Requirements.

(1) Physical improvements of the proposed PRD shall be provided, constructed and installed as shown on the final development plan. The improvements shall comply with all specifications regarding contracts and improvements guarantees of the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances).

(2) All applicable Township ordinances and/or regulations that pertain to improvements shall be enforced.

(Ordinance 130, December 9, 1991, Section 705)

Section 706. Application, Submission and Review Procedures.

(a) Pre-application Conference.

(1) The applicant shall convene informally with the Board of Supervisors, or the Planning Commission, if designated at a regularly scheduled meeting.

(2) The applicant shall verbally expound all intentions for PRD.

(3) The Board of Supervisors, or the Planning Commission, if designated, shall apprise the applicant of local and municipal and state ordinances, laws, procedures, fees and regulations that are applicable to PRD.

(b) Application for Tentative Approval.

(1) The applicant shall furnish documentation depicting compliance with all standards and criteria for PRD in Sections 702, 703, 704 and 705.

(2) An application for tentative approval of the development plan for a PRD shall be filed by or on behalf of the landowner.

(3) The application for tentative approval shall be filed by the landowners in such form, upon the payment of such a reasonable fee and with such officials of the Township as shall be designated in the provisions adopted pursuant to this Section.

(4) All planning, zoning and subdivision matters relating to the planning, use and development of the PRD and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the Township, shall be determined and established by the Board of Supervisors, or the Planning Commission, if designated.

(5) The provisions shall require only such information in the application as is reasonably necessary to disclose to the Board of Supervisors, or the Planning Commission, if designated:

(i) The location, size and topography of the site and the nature of the landowner's interest in the land proposed to be developed;

(ii) The density of land use to be allocated to parts of the site to be developed;

(iii) The location and size of the common open space and the form of organization proposed to own and maintain the common open space;

(iv) The use and the approximate height, bulk and location of buildings and other structures;

(v) The feasibility of proposals for water supply and the disposition of sanitary waste and storm water;

(vi) The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities;

(vii) The provisions for parking of vehicles and the location and width of proposed streets and public ways;

(viii) The required modifications in the municipal land use regulations otherwise applicable to the subject property;

(ix) The feasibility of proposals for energy conservation and the effective utilization of renewable energy sources; and

(x) In the cases of development plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the PRD are intended to be filed, and this schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.

(6) The application for tentative approval of a PRD shall include a written statement by the landowner setting forth the reasons why, in his opinion, a PRD would be in the public interest and would be consistent with the Comprehensive Plan for the development of the Township.

(7) The application for and tentative and final approval of a development plan for a PRD prescribed in this Section shall be in lieu of all other procedures or approvals otherwise required pursuant to the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances) and this Chapter.

(c) Public Hearing.

(1) Within sixty (60) days after the filing of an application for tentative approval of a PRD pursuant to

Subsection 706(b), a public hearing pursuant to public notice on said application shall be held by the Board of Supervisors, or the Planning Commission, if designated, in the manner prescribed in Part 11 of this Chapter.

(2) The Board of Supervisors, or the Planning Commission, if designated, may continue the hearing from time to time, and where applicable, may refer the matter back to the Planning Commission for a report; provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

(3) The Township may offer a mediation option as an aid in completing proceedings authorized by this Section and by subsequent sections in this Part prior to final approval by the Board of Supervisors. In exercising such an option, the Township and the mediating parties shall meet the stipulations and follow the procedures set forth in Part 11 of this Chapter.

(d) The Findings.

(1) The Board of Supervisors, or the Planning Commission, if designated, within sixty (60) days following the conclusions of the public hearing provided for in this Chapter, shall, by official written communication, to the landowners, either:

(i) Grant tentative approval of the development plan as submitted;

(ii) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or

(iii) Deny tentative approval to the development plan.

(2) Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowners may, within thirty (30) days after receiving a copy of the official written communication of the Board of Supervisors, notify such agency of his refusal to accept all of said conditions, in which case the Board of Supervisors shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not notify the Board of Supervisors within said period, tentative approval of the development plan, with all conditions, shall stand as granted.

(3) The grant or denial of tentative approval shall be in the form of a written resolution which shall include findings of fact related to the specific proposal and shall set forth the reasons of the grant, with or without conditions, or for the denial, and shall set forth particularly in what respects the development plan would or would not be in the public interest, including but not limited to findings of facts and conclusions on those matters as required in the Act, as amended. A copy of the written resolution shall accompany the official written communications to the landowner as provided under this Section.

(e) Status after Tentative Approval. Where tentative approval has been granted, the same shall be noted on the Township Zoning Map and the

development plan shall have the status established by and be subject to the provisions of Section 710 of the Act, as amended.

(f) Application for Final Approval.

(1) An application for final approval may be for all of the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Township within the time or times specified by the official written communication granting tentative approval. The application shall include any drawings, specifications, covenants, easements, performance bond or such other requirements as may be specified by ordinance, as well as any conditions set forth in the official written communication at the time of tentative approval. A public hearing on an application for final approval of the development plan, or part thereof, shall not be required provided the development plan, or the part thereof, submitted for final approval, is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto.

(2) In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by this Chapter and the official written communication of tentative approval, the Township shall grant such final approval to the PRD, as required by the Act, as amended.

(3) In the event the development plan as submitted contains variations from the development plan given tentative approval, the governing body may refuse to grant final approval and shall, within the time frame specified by the Act, as amended, so advise the landowner in writing of said refusal setting forth in said notice the reasons why one or more of said variations are not in the public interest.

In the event of such refusal, the landowner may either:

(i) Refile his application for Final Approval without the variations objected to; or

(ii) File a written request with the approving body that it hold a public hearing on his application for final approval.

If the landowner wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this Part for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the approving body shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in

cases arising under this Section, be in the form and contain the findings required for an application for tentative approval set forth in this Chapter.

(4) A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the approving body and shall be filed of record forthwith in the Office of the Recorder of Deeds before the development shall take place in accordance therewith. Upon the filing of record of the development plan the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion in accordance with the time provisions specified, of said PRD or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner. Upon approval of a final plan, the developer shall record the plan and post financial security (contracts and agreements) in accordance with the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances).

(5) In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall not notify the approving body in writing; or in the event the landowner shall fail to commence and carry out the PRD in accordance with the time provisions specified (after final approval has been granted), no development or further development shall take place on the property included in the development plan until after the said property is reclassified by enactment of an amendment to this Chapter in the manner prescribed for such amendments.

(Ordinance 130, December 9, 1991, Section 706)

Section 707. Administration and Review.

(a) Issuance of permits and all matters pertaining to administration of the plan as finally approved shall be the responsibility of the Township Zoning Officer.

(b) Upon application of the landowner showing compliance with the requirements of final approval, the Zoning Officer shall issue permits for construction pursuant to the plan, or any section thereof.

(c) The provisions of Part 11 (Administration and Enforcement) of this Chapter shall be fully applicable to the plan as finally approved insofar as the provisions thereof are consistent with the provisions of this Part and the conditions of final approval. The Zoning Officer shall review the progress and status of construction of the plan and render monthly reports thereon to the Board in order to assure compliance with the provisions of this Part and the conditions of final approval.

(d) A PRD shall be designed in accordance with the design standards and regulations of Part 7 and the Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances) unless a waiver is granted or there is a conflict between them. In the case of a conflict, Part 7 of this Chapter shall govern.

(e) Any person, partnership or corporation who or which has violated the PRD provisions and specifications under Part 7 of this

Chapter shall be subject to all enforcement remedies in accordance with the Act, as amended.

(Ordinance 130, December 9, 1991, Section 707)